

PART 1814

SEALED BIDDING

(Revised November 16, 2016)

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PART 1814

SEALED BIDDING

Subpart 1814.2—Solicitation of Bids

1814.201 Preparation of invitations for bids.

1814.201-5 Part IV—Representations and instructions.

(c) Section M, Evaluation factors for award.

(i) The contracting officer shall state if award is to be made in the aggregate (all-or-none basis) or by specified groups of items.

(ii) If bidders are required to have special technical qualifications because of the complexity of the equipment being purchased or for some other reason, the contracting officer shall state those qualifications.

1814.201-6 Solicitation provisions.

1814.201-670 NASA solicitation provisions.

(a) The contracting officer shall insert the provision at [1852.214-70](#), Caution to Offerors Furnishing Descriptive Literature, in invitations for bids. See FAR 52.214-21, Descriptive Literature.

(b) The contracting officer shall insert the provision at [1852.214-71](#), Grouping for Aggregate Award, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than specified quantities solicited for certain items or groupings of certain items. Insert the item numbers and/or descriptions applicable for the particular procurement.

(c) The contracting officer shall insert the provision at [1852.214-72](#), Full Quantities, in invitations for bids, except for construction, when it is in the Government's best interest not to make award for less than the full quantities solicited.

(d) If a pre-bid conference is planned, the contracting officer shall insert the provision at [1852.215-77](#), Preproposal/Pre-bid Conference. See 1815.209-70(a).

Subpart 1814.3—Submission of Bids

1814.302 Bid submission.

(b) NASA contracting officers shall not consider telegraphic bids communicated by telephone.

Subpart 1814.4—Opening of Bids and Award of Contract

1814.404 Rejection of bids.

1814.404-1 Cancellation of invitations after opening.

(c) The authority to make the determination at FAR 14.404-1(c) is delegated to the contracting officer, except as provided in paragraph (e)(1) of this subsection.

(e)(1) A determination that includes an authorization to complete the acquisition through negotiation shall be made by the procurement officer, in consultation with the Office of Chief Counsel for Center acquisitions and Office of General Counsel for Headquarters acquisitions.

1814.407 Mistakes in bids.

1814.407-3 Other mistakes disclosed before award.

(e) Procurement officers are authorized to make the determinations under FAR 14.407-3(a), (b), (c) and (d).

1814.407-4 Mistakes after award.

(d) All determinations, under this section, shall be made by the procurement officer.

1814.408 Award.

1814.408-1 General.

(c)(2) A notice of award as a specific document is used when the contracting officer needs to inform a responsible bidder that its offer was determined to be the most advantageous to the Government (considering only price and price-related factors) and that the formal award will be made upon satisfaction of specified pre-performance conditions.

(i) The notice of award is not a contractual instrument. It does not authorize the successful bidder to perform and, in itself, does not obligate the Government to award a contractual document. Its limited purpose is to provide evidence of the Government's selection of the successful bidder; instruction to that bidder to satisfy specified pre-performance conditions; and a statement that the Government intends to award the contract to the successful bidder upon satisfaction of these conditions.

(ii) Use of a notice of award is optional. The contracting officer may issue the award document itself without first issuing a notice of award. However, there are instances when a notice of award should be considered, for example, in construction contracts where performance or payment bonds are required. In such cases, the most cost effective technique is to require only the successful bidder to provide the necessary bonds. The notice of award advises the successful bidder to provide the bonds, and it also serves as formal evidence from the Government of the impending award if such evidence is required to secure the bonds.

(iii) The notice of award shall not be issued unless bids have been evaluated and a selection made, and a definitive contract document is ready for execution upon satisfaction of the conditions specified in the notice. Upon satisfaction of these conditions, the approved and executed contract instrument shall be provided to the successful bidder.

(iv) Since the notice of award is not a contractual document authorizing performance, the period of performance of the resultant contract shall not be based on the date of issuance or receipt of the notice of award. The period of performance specified in the contract shall be based on some other reference point, such as the date the contract is provided to the successful bidder, a mutually agreeable effective date or a later authorization to proceed date.

(v) The notice of award can be issued by the contracting officer using any formal written means to include letter, facsimile or other electronic means. The notice should be substantially the same as the following format.

Format

Subject: Notice of Award--Invitation for Bids (IFB) (insert IFB number and title). This notice is to advise you that your bid (insert bid identification) in response to the subject IFB has been determined to be the most advantageous to the Government (considering only price and price-related factors). It is the Government's intention to award you a contract in the amount of (insert award price) for this effort pending satisfaction of the following pre-performance conditions:

(insert performance conditions e.g. any required payment and performance bonds)

Evidence (insert evidence description e.g. the actual payment and performance bonds) of satisfaction of these conditions must be provided to the contracting officer by (insert due date for submittal of evidence). In the event these conditions are not satisfied by this date, the Government reserves the right to award the contract to the bidder who submitted the next most advantageous bid.

Please note that this notice of award is not a contractual document. It does not obligate the Government to award you, or any other bidder, a contract relative to the subject IFB, and it does not authorize you to proceed with contract performance or incur costs pursuant to such performance. Any costs incurred for contract performance prior to your receipt of a fully executed contract document are at your own risk and are not recoverable under any Government contract should the Government fail, for whatever reason, to award you a contract in response to the subject IFB.

If a contract is awarded after evidence of satisfaction of the pre-performance conditions listed above is provided to the contracting officer by the specified due date, the date of commencement of work will be provided with the formal award. This date will be based on (identify basis for date of commencement of performance).